

Australian Capital Territory

# Public Sector Management Amendment Standards 2012 (No 3)

Disallowable instrument DI2012–238

made under the

**Public Sector Management Act 1994, s 251 (Management standards)**

## EXPLANATORY STATEMENT

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The Public Sector Management Standards 2006 (the PSM Standards) are subordinate law, which support the *Public Sector Management Act 1994* (the PSM Act). Section 251 of the PSM Act allows the Commissioner for Public Administration (the Commissioner), with the approval of the Chief Minister, to make PSM Standards for the purposes of the Act.

This amendment omits the former Part 2 and substitutes a new Part 2 into the PSM Standards. The new Part 2 comprises four parts.

### Part 2.1 – Code of conduct

This part requires the Commissioner to make a Code of Conduct that would apply to all government agencies and public employees in the ACT Public Sector. The Commissioner's Code of Conduct made under this part should support the execution of public sector functions in accordance with the principles set out in the Act, sections 6 to 9. The Code of Conduct made by the Commissioner will be applicable across all classifications and workplaces in the ACT Public Sector, noting that the application may manifest differently across workplaces or classification groups.

Recognising that some conduct matters only relate to a particular occupation, classification or workplace, and could not be addressed in a universal Code developed for the whole ACT Public Sector, this part allows individual agency heads to make supplementary Codes of Conduct that could apply to all or part of their agency. A supplementary Code of Conduct may also be developed to reflect the particular culture of an agency or areas of a particular agency's culture that require improvement.

To ensure supplementary Codes of Conduct are consistent with the Code of Conduct developed by the Commissioner a requirement has been included for the Commissioner to approve any supplementary Code of Conduct before it is applied.

All Codes of Conduct made under this part are notifiable instruments.

### Part 2.2 – Employee values

This part introduces the employee values of respect, integrity, collaboration and innovation and requires them to be demonstrated by ACT Public Sector staff when they are performing their duties.

This part applies to all public employees, which means all people employed in the service or by a territory instrumentality or statutory office-holder. The values apply to the entire ACT Public Sector. The amendment acknowledges the diversity of the workforce in the ACT Public Sector, and recognizes the importance of being able to express the values in different ways depending on a person's job and workplace.

Section 9 of the PSM Standards reflects the language used in section 9 of the PSM Act and applies when public employees are performing their duties. Section 9 of the PSM Standards includes several examples demonstrating the breadth of what is encompassed in performing duties. It is intended that the application of this part of the PSM Standards be broad.

Part 2.2 requires the employee values be used to inform and evaluate management practices, performance and the implementation of government policy, encouraging promotion of the values through positive, aspirational and celebratory avenues:

- Management practices is a board term that includes administrative processes such as a workforce planning, selection processes and other staffing decisions. Management practices also include workplace custom and practice, such as how information is shared, how processes are run and how work and life balance is facilitated.
- Performance allows for the recognition of staff who excel in their demonstration of the employee values, for instance through the Head of Service Awards or local agency or team awards. Evaluating the achievement of the employee values through performance encourages learning and development opportunities that relate to promoting the values. If an employee failed to demonstrate the values, this could also become a matter of underperformance.
- Implementation of government policy covers all tasks that a public employee is required to do, to do their job. Using the employee values to inform and evaluate tasks and to prioritise tasks requires regular and systematic consideration of the values and how they manifest in practice.

### Part 2.3 – Fraud and corruption

This part is the same as the current Division 2.1.3, Integrity, but has been renamed to avoid confusion with the employee value of 'integrity'.

### Part 2.4 - Miscellaneous

This part retains the remaining provisions from the previous standard:

- Division 2.1.1, Reasonable care and skill;
- Division 2.1.2, Conflict of interest;
- Division 2.1.4, Personal use of IT resources; and
- Part 2.2, Commissioner's functions and powers.

These provisions have been re-drafted for improved clarity. However, the effect of the provisions has not changed.